



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

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In re application of : DECISION ON
Suzanne K. Melges : PETITION
Serial No. 10/672,016 :
Filed: September 25, 2003 :
For: FOOD LABELING DEVICE FOR PRINTING TIME AND DATE
INFORMATION ON ADHESIVE LABELS TO TRACK FRESHNESS :

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION, filed June 09, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment of April 04, 2005, for failure to timely file a proper response to the Office letter dated September 02, 2004 be withdrawn. The petitioner asserts that the Office letter of September 02, 2004 was mailed to an old address in the record and not received by applicant.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the instant application file indicates that the Office letter of September 02, 2004 was mailed to the old correspondence address of the petitioner in the record, which is :

LAW OFFICE OF BRIAN R. RAYVE
P.O.BOX 11586
SALT LAKE CITY, UT 84147-0586

The USPTO has not received a mailing address change request from the applicant with a new address of :



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161 MAPLE DRIVE
PARK CITY, UT 84098

Since it is applicant's responsibility to promptly inform the Office of any change of correspondence address (see MPEP 601.03), and the applicant did not file a notification of mailing address change to the USPTO before the mailing date of the Office letter of September 02, 2004, therefore, this application is properly abandoned and the request cannot be granted.

Therefore, this application stands abandoned.

The applicant may file a new petition to the Deputy Commissioner for Patent Examination Policy under 37 CFR 1.137(b) to revive the instant abandoned application based unintentional delay.

The instant petition was accompanied by \$130.00 as a petition fee. However, a petition of this type does not require a \$130.00 petition fee. Therefore, a refund of the \$130.00 may be obtained by directing a copy of this decision along with a written request for such a refund to the Office of Finance.

The Petition is **DENIED**.

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